

ASSEMBLY BILL

No. 1542

Introduced by Assembly Member Levine

February 21, 2003

An act to amend Section 30503 of the Food and Agricultural Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1542, as introduced, Levine. Dogs: regulation: licensing.

Existing law provides that no public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall sell or give away to a new owner any dog that has not been spayed or neutered.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 30503 of the Food and Agricultural
- 2 Code, as amended by Section 2 of Chapter 747 of the Statutes of
- 3 1998, is amended to read:
- 4 30503. (a) Except as otherwise provided in subdivision (b),
- 5 no public animal control agency or shelter, society for the
- 6 prevention of cruelty to animals shelter, humane society shelter, or
- 7 rescue group shall sell or give away to a new owner any dog that
- 8 has not been spayed or neutered.

1 ~~For the purposes of this section a rescue group is a for-profit or~~
2 ~~not for profit entity, or a collaboration of individuals with at least~~
3 ~~one of its purposes being the sale or placement of dogs that have~~
4 ~~been removed from a public animal control agency or shelter,~~
5 ~~society for the prevention of cruelty to animals shelter, or humane~~
6 ~~shelter or that have been previously owned by any person other~~
7 ~~than the original breeder of that dog.~~

8 (b) If a veterinarian licensed to practice veterinary medicine in
9 this state certifies that a dog is too sick or injured to be spayed or
10 neutered, or that it would otherwise be detrimental to the health of
11 the dog to be spayed or neutered, the adopter or purchaser shall pay
12 the public animal control agency or shelter, society for the
13 prevention of cruelty to animals shelter, humane society shelter, or
14 rescue group a deposit of not less than forty dollars (\$40), and not
15 more than seventy-five dollars (\$75). The entity shall establish the
16 amount of the deposit at the level it determines is necessary to
17 encourage the spaying or neutering of dogs. The deposit shall be
18 temporary, and shall only be retained until the dog is healthy
19 enough to be spayed or neutered, as certified by a veterinarian
20 licensed to practice veterinary medicine in this state. The dog shall
21 be spayed or neutered within 14 business days of that certification.
22 The adopter or purchaser shall obtain written proof of spaying or
23 neutering from the veterinarian performing the operation. If the
24 adopter or purchaser presents proof of spaying or neutering to the
25 entity from which the dog was obtained within 30 business days
26 of obtaining the proof, the adopter or purchaser shall receive a full
27 refund of the deposit.

28 (c) Public animal control agencies or shelters, society for the
29 prevention of cruelty to animals shelters, humane society shelters,
30 and rescue groups may enter into cooperative agreements with
31 each other and with veterinarians in lieu of requiring spaying and
32 neutering deposits to carry out this section.

33 (d) Any funds from unclaimed deposits made pursuant to this
34 section, as it read on January 1, 1999, and any funds from deposits
35 that are unclaimed after January 1, 2000, may be expended only
36 for programs to spay or neuter dogs and cats, including agreements
37 with a society for the prevention of cruelty to animals or a humane
38 society or licensed veterinarian to operate a program to spay or
39 neuter dogs and cats.

1 (e) This section only applies to a county that has a population
2 exceeding 100,000 persons as of January 1, 2000, and to cities
3 within that county.

4 (f) *For the purposes of this section, a “rescue group” is a*
5 *for-profit or not-for-profit entity, or a collaboration of individuals,*
6 *with at least one of its purposes being the sale or placement of dogs*
7 *that have been removed from a public animal control agency or*
8 *shelter, society for the prevention of cruelty to animals shelter, or*
9 *humane shelter or that have been previously owned by any person*
10 *other than the original breeder of that dog.*

11 (g) This section shall remain in effect only until January 1,
12 2006, and as of that date is repealed, unless a later enacted statute
13 that is enacted before January 1, 2006, deletes or extends that date.

